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May 17, 2007

VIA HAND DELIVERY

The Honorable Susan Mollway  
United States District Court  
300 Ala Moana Boulevard, Rm. C-409  
Honolulu, Hawaii 96850

Re: Submission of Judgment in  
Berry v. Hawaiian Express Service, Inc., et al., Civil No.  
CV03-00385 SOM LEK

Dear Judge Mollway:

On behalf of C&S Wholesale Grocers and the other C&S-related defendants, I am submitting the enclosed form of judgment which we ask be entered by the Court. On March 2, 2007, the Court entered its Order Adopting and Modifying the October 25, 2006 and December 4, 2006 Reports of Special Master on the Parties' Motions for Attorneys' Fees and Costs. No stay of execution has been requested, although the plaintiff's appeal is pending. We respectfully submit the law is clear that the Court's jurisdiction to enforce the fee award continues because there has been no stay of execution.

Pursuant to LR 58.2, I am submitting the proposed judgment and advising all other counsel of record that any objections should be submitted directly to the Court.

Very truly yours,



LEX R. SMITH

for

KOBAYASHI, SUGITA & GODA

cc: all counsel of record  
Encl.